1. An action is morally permissible if it is not prohibited by morality.

Charles Pidgen explains Dworkin’s definition of “moral permissibility”[[1]](#footnote-1)

In his famous paper 'Objectivity and Truth: You'd Better Believe it' (1996) Ronald Dworkin argues that wholesale or Archimedean moral skepticism of the kind advanced by Mackie (and in my view by Nietzsche) is fundamentally incoherent. You can't be a skeptic about all moral claims, since if you think that abortion is not wrong - or if you think that it is not full-bloodedly true that abortion is wrong - you are committed to the first-order view that abortion is morally permissible. But that only holds if you subscribe to something like (RDI) - that [because] the claim that actions of kind X are [is] not wrong, entails that actions of kind X [is] are right (in the sense of morally permissible). [Pidgen disagrees with Dworkin and later provides a rebuttal to Dworkin’s argument.]

2. The aff only defends worst-case scenarios because empirically the only women who turn to murder are the most severely abused.

Charles Ewing 90 writes[[2]](#footnote-2)

Battered women who kill have invariably been both physically and psycho-logically abused by the men they killed. Many if not most of them have also been raped and/or sexually abused by their batterers. Though battered women [victims] who kill have much in common with battered women who do not kill (and it is difficult to generalize from the limited data available), it appears that battered women who kill are subjected to more severe abuse, are somewhat older and less well educated, and have fewer resources for coping with that abuse than do battered women in general. Battered women who kill their batterers seem to have been more frequently beaten, threatened with weapons, and subjected to threats of death-especially threats of retaliation for leaving. Those who kill also appear to [and] have suffered more serious injuries than other battered women. Finally, those who kill seem more likely to have been socially isolated by their batterers.

3. I’m willing to clarify or alter my advocacy in cross-x. Don’t vote on theory absent cross-x clarification because it only encourages unnecessary theory.

4. RVIs are uniquely justified for the aff because the massive time-skew of the LD 1AR makes it impractical to fully cover theory and still have a fair shot at substance.

The **value** is **morality** as implied by the resolution.

Morality must take the form of a universal rule.

Professor of philosophy at Princeton Peter Singer writes[[3]](#footnote-3)

When I prescribe [an action] something, using moral language, my prescription [it] commits me to a substantive moral judgment about all relevantly similar cases. This includes hypothetical cases in which I am in a different position from my actual one. So to make a moral judgment, I must put myself in the position of the other person affected by my proposed action – or to be more precise, in the position of *all* those affected by my action. Whether I can accept the judgment – that is, whether I can prescribe it universally – will then depend on whether I could accept it if I had to liv[ing] the lives of all those affected by the action.

Universalizability justifies util. Singer 2[[4]](#footnote-4)

The universal aspect of ethics, I suggest, does provide a persuasive, although not conclusive, reason for taking a broadly utilitarian position. My reason for suggesting this is as follows. In accepting that [since] ethical judgments must be made from a universal point of view, I am accepting that my own interests cannot, simply because they are my interests, count more than the interests of anyone else. Thus my very natural concern that my own interests be looked after must, when I think ethically, be extended to the interests of others. Now, imagine that I am trying to decide between two possible courses of action - perhaps whether to eat all the fruits I have collected myself, or to share them with others. Imagine, too, that I am deciding in a complete ethical vacuum, that I know nothing of any ethical considerations - I am, we might say, in a pre-ethical stage of thinking. How would I make up my mind? One thing that would be still relevant would be how the possible courses of action will affect my interests. Indeed, if we define 'interests' broadly enough, so that we count anything people desire as in their interests (unless it is incompatible with another desire or desires), then it would seem that at this pre-ethical stage, only one's own interests can be relevant to the decision. Suppose I then begin to think ethically, to the extent of recognizing that my own interests cannot count for more, simply because they are my own, than the interests of others. In place of my own interests, I now have to take into account the interests of all those affected by my decision. This requires me to weigh up all these interests and adopt the course of action most likely to maximize the interests of those affected.

Therefore the **standard** is **maximizing happiness**. Prefer util for 4 more reasons.

**First,** there is no distinction between actions and omissions for two reasons.

**A.** We can predict the consequences of our omissions, so we can be held accountable for them. Alan Gewirth 82 writes[[5]](#footnote-5)

To be responsible for inflicting lethal harms, a person need not intend or desire to produce such harms, either as an end or a means. It is sufficient if the harms come about as an unintended but foreseeable and controllable effect of what he does. For since he knows or has good reasons to believe what actions or policies under his control will lead to the harms in question he can control whether the harms will occur, so that it is within his power to prevent or at least lessen the probability of their occurrence by ceasing to engage in these actions. Thus, just as all persons have the right to informed control, so far as possible, over the conditions relevant to their incurring cancer and other serious harms, so the causal and moral responsibility for inflicting cancer can be attributed to persons who have informed control over other persons’ suffering the lethal harms of cancer.

**B.** The difference between actions and omissions is merely semantic as any omission can be rewritten as an action. For example, if I see a baby drowning but still choose to walk away, I have not only omitted to save the baby, but I have also made the active choice of continuing along my path which has predictable opportunity costs for which I can be held accountable.

As a result, side constraint-based moral theories reduce to util because any reason not to kill would provide an equally valid reason to actively minimize murders.

**Second**, non-utilitarian moral theories are inconsistent with the nature of persons. People are not irreducible units that exist across time. There is no morally relevant concept that unifies you with your past and future selves to form a single personal identity. Rather, a full picture of any situation can be described without reference to the unity of persons. Rebecca Dresser[[6]](#footnote-6) explains the theory of Reductionism.

This reductionist concept of persons implies that personal identity can be indeterminate. Consider again the United States. Suppose [that] the Civil War had turned out differently. For years the government of the United States ceased to exist. Then another war was fought, which yielded unification. A nation called the United States was established, with some of the same government officials and substantive rules as before. Is this the same United States, or another United States? For the reductionist, these are what Parfit calls "empty questions." They are empty because a complete description of what occurred does not depend upon knowing their answers. The essential information about what happened concerns only the constituent parts the government officials, laws, and so forth-that existed over time.

Similar questions about persons can also be empty in this way. When varying degrees of psychological connectedness and continuity hold between a person now and at a later time, in some cases it would be an empty question whether the later person would be the same person as now or someone else. Instead, Parfit says, these cases could be fully described using information on the degrees of connectedness and continuity.

For example, if you steal a candy bar as a child but then grow up to win a Nobel Peace Prize, it makes no sense for the law to punish you 50 years later for theft because the person you were as a child bears little relation to your current self. Past-you and present-you are not the same in any morally relevant sense.

In the absence of personal identity, self-interest maximization reduces to utilitarianism. David Shoemaker writes[[7]](#footnote-7)

Extreme reductionism might lend support to utilitarianism in the following way. Many people claim that we are justified in maximizing the good in our own lives, but not justified in maximizing the good across sets of lives, simply because each of us is a single, deeply unified person, unified by the further fact of identity, whereas there is no such corresponding unity across sets of lives. But if the only justification for the different treatment of individual lives and sets of lives is the further fact [of unity], and this fact is undermined by the truth of reductionism, then nothing justifies this different treatment. There are no deeply unified subjects of experience. What remains are merely the experiences themselves, and so any ethical theory distinguishing between individual lives and sets of lives is mistaken. If the deep, further fact is missing, then there are no unities. The morally significant units should then be the states people are in at particular times, and an ethical theory that focused on them and attempted to improve their quality, whatever their location, would be the most plausible. Utilitarianism is just such a theory.

**Third**, we all know that happiness is good simply from experience.

Professor of philosophy at NYU Thomas Nagel 86 writes[[8]](#footnote-8)

There is nothing self-contradictory in this proposal [the proposal that pleasure and pain have no value], but it seems nevertheless insane. Without some positive reason to think there is nothing in itself good or bad about having an experience you intensely like or dislike, we can't seriously regard the common impression to the contrary as a collective illusion. Such things are at least good or bad for us, if anything is. What seems to be going on here is that we cannot from an objective standpoint withhold a certain kind of endorsement of the most direct and immediate subjective value judgments we make concerning the contents of our own consciousness. We regard ourselves as too close to those things to be mistaken in our immediate, nonideological evaluative impressions. No objective view we can attain could possibly overrule our subjective authority in such cases. There can be no reason to reject the appearances

**Fourth**, neuro-imaging shows that utilitarianism is the most rational moral theory. Other moral intuitions arise as a result of emotional bias.

Professor Joshua Greene 07 of Harvard writes[[9]](#footnote-9)

To summarize, people’s moral judgments appear to be products of at least two different kinds of psychological processes. First, both brain imaging and reaction-time data suggest that there are prepotent negative emotion[s]al responses that drive people to disapprove of the personally harmful actions proposed in cases like the footbridge and crying baby dilemmas. These responses are characteristic of deontology, but not of consequentialism. Second, further brain imaging results suggest that “cognitive” psychological processes can compete with the aforementioned emotional processes, driving people to approve of personally harmful moral violations, primarily when there is a strong consequentialist rationale for doing so, as in the crying baby case. The [active] parts of the brain that exhibit increased activity when people make characteristically consequentialist judgments are those that are most closely associated with higher cognitive functions such as executive control (Koechlin et al., 2003; Miller and Cohen, 2001), complex planning ( Koechlin, Basso, Pietrini, Panzer, & Grafman, 1999), deductive and inductive reasoning (Goel & Dolan, 2004), taking the long view in economic decision making (McClure, Laibson, Loewenstein, & Cohen., 2004), and so on. Moreover, these brain regions are among those most dramatically expanded in humans compared with other primates (Allman, Hakeem, & Watson, 2002).

**Finally**, respect for human worth would justify util.

**A.** Only util gives all people due weight. Professor David Cummiskey writes[[10]](#footnote-10)

## We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? By emphasizing solely the one who must bear the cost if we act, we fail to sufficiently respect and take account of the many other separate persons, each with only one life, who will bear the cost of our inaction. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself”. Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible. In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. Persons may have “dignity, that is, an unconditional and incomparable worth” that transcends any market value, but persons also have a fundamental equality that dictates that some must sometimes give way for the sake of others. The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others.

**B.** If we respect others, it follows that we should respect their desire for happiness.

Cummiskey-2 continues[[11]](#footnote-11)

Now, according to Kant, the formula of the end-in-itself generates both negatives and positive duties. In the negative sense we treat persons as ends when we do not interfere with their pursuit of their (legitimate) ends. In the positive sense we treat persons as ends when we endeavor to help them realize their (legitimate) ends. Kant describes the positive interpretation of the second formulation of the categorical imperative as a duty to make others’ ends my own.

Since, if one wills an end, on also wills the necessary means, it follows that the positive interpretation requires that we do those acts which are necessary to further the permissible ends of others. Since Kant also maintains that “to be happy is necessarily the desire of every rational but finite being”, we have a positive duty to promote the happiness of others. Thus, in addition to any constraints on action which Kant’s principle might generate, it also provides a rationale for a moral goal that we are obligated to pursue.

I contend that affirming maximizes utility.

Permitting deadly force reduces domestic violence in the long-term.

Professor Benjamin Zipursky 96 gives 4 warrants[[12]](#footnote-12)

A similar argument applies with regard to the possibility of more pervasive physical and psychological forms of domination. What is at stake, in this regard, is not only physical security, but, as Jane Cohen has pointed out, liberty of thought, speech, movement, and sexuality. Physical domination is an instrument for the elimination of these forms of liberty, and for the elimination of psychological independence and well-being. And one particularly important enhancement of the physical domination is the elimination of the dominated woman's access to outside help. n38 If use of deadly force in no-access situations were permitted, then it would arguably be the case that: (1) she [the victim] would increase her ability to avert death or injury in the sort of "no-access" case[s] that does frequently arise in these scenarios; (2) to the extent that her sense of lack of liberty and helplessness wer based on her actual condition, she [the victim] might experience a greater sense of liberty because, if access has truly been cut off, she will still have the right to defend herself; and (3) the assailant could no longer count on being able to rape and terrorize her by cutting off access and engaging in brutal conduct without facing the risk of defensive homicide (a risk that would presumably increase substantially if such defensive homicide were legal). Perhaps this fact would diminish the terrorizing conduct and the cutting off of access. With regard to both forms of domination I have considered, it might also be added that society might change so that access for women to alternative paths of relief were more available than it now is. [4] If the cost to society of no-access scenarios were [is] women killing men without criminal liability, the state might be more motivated to provide alternative avenues of relief. This provision of access would arguably enhance women's security.

Domestic violence outweighs death for 3 reasons.

**A.** Scope – domestic violence affects millions of women. NOW 06[[13]](#footnote-13)

Murder. Every day four women die in this country as a result of domestic violence, the euphemism for murders and assaults by husbands and boyfriends. That’s approximately 1,400 women a year, according to the FBI. The number of women who have been murdered by their intimate partners is greater than the number of soldiers killed in the Vietnam War Battering. Although only 572,000 reports of assault by intimates are reported to federal officials each year, the most conservative estimates indicate two to four million women of all races and classes are battered each year. At least 170,000 of those violent incidents are serious enough to require hospitalization, emergency room care or a doctor’s attention.

**B.** Scale – death is not proactively harmful. It only matters because it precludes future life plans, whereas domestic violence not only precludes a reasonable future but also involves severe abuse.

Nancy Wright 09 of Santa Clara[[14]](#footnote-14)

Moreover, according to the Wyoming Supreme Court in Witt v. State, battered women frequently suffer other forms of abuse as well, such as "humiliation, denial of power, name calling, sexual abuse, threats of violence, and deprivation of food, sleep, heat, shelter and/or money." n13 In addition, 30% of domestic violence incidents involve the use of a weapon and the injuries that battered women receive are at least as severe as those suffered in 90% of violent felonies. n14 In fact, each year approximately two million of these women suffer severe beatings at the hands of their spouses or partners. n15 Unfortunately, over three women every day are murdered by their husbands; n16 frequently experiencing "prolonged, brutal deaths after years of violence."

**C.** Reducing violence also reduces death in the long-term by reducing both the death of thousands of women from domestic violence and reducing the need to kill as a response.

Next, Preempts

Attempting to leave doesn't solve – it increases both the likelihood and severity of abuse.

Nancy Wright 09 of Santa Clara[[15]](#footnote-15)

Another reason that women don't leave abusive relationships is called "separation abuse,", meaning that the battered woman fears retaliation towards herself, her children, other family members, friends or even co-workers. n173 For example, in Koss, the battered wife testified that her abusive husband threatened to kill her children unless she dropped a domestic violence complaint she had filed against him. n174 Fears of retaliatory abuse appear to be well-founded since [first,] the most frequently and seriously battered women are those who are separated or divorced from their abusers. n175 [Second,] although only 10% of women are separated or divorced, they account for 75% of all victims of domestic violence and are fourteen times more likely to be battered than women who are still cohabiting. n176 Unfortunately, it is also accurate that, [Third,] if the abuser is unable to locate the battered woman, he may seek revenge on other people who are important in her life.

Police don’t solve.

Nancy Wright 2009 of Santa Clara[[16]](#footnote-16)

Domestic violence victims, after years of forced social isolation, may perceive no superior alternative than remaining with their abusers. n169 This result occurs when the woman's efforts to improve the relationship or extract herself from the situation prove futile, she learns she cannot escape the relationship because of her financial status or fear of retribution, and she abandons her efforts." n170 Most battered women have sought help unsuccessfully from police or other protective agencies. One study of women in Philadelphia, who died at the hands of their abusive spouses, estimated that 64% of the women were known by the police to have been physically abused before their deaths. n171 In fact, some commentators suggest that, rather than suffering from learned helplessness, [\*83] battered women are survivors whose "help seeking efforts are largely unmet" and who most need "the resources and social support that would enable them to become more independent and leave the batterer."

The role of the ballot is to weigh the offense in favor of the aff advocacy against the offense in favor of a functionally competitive negative advocacy. Two reasons:

First, this interp is most fair because it gives reciprocal burdens to both sides instead of allowing the neg to moot the AC by questioning one of its infinite assumptions, giving the neg a no-risk, insufficient burden which the aff can’t weigh against or win offense on.

Second, this interp is most educational because it deals with how philosophy is actually applied to the real world, i.e. as a guide for action instead of a pointless thought experiment.

Next, the neg must defend one unconditional advocacy. Conditionality is bad because it makes the neg a moving target which kills 1AR strategy. He’ll kick it if I cover it and extend it if I undercover it, meaning I have no strategic options. Also, it’s unreciprocal because I can’t kick the AC.

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